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REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF RESOLUTION 1050 (1996)

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1050 (1996) of 8 March 1996, in which I was requested to report to the Council by 5 April 1996 on what arrangements had been agreed with the Government of Rwanda for the protection of the personnel and premises of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 after the withdrawal of the United Nations Assistance Mission for Rwanda (UNAMIR) and on the arrangements to maintain a United Nations political office pursuant to paragraph 4 of that resolution.

2. In addition to providing the information requested above, the present report also describes the arrangements made for, and the progress of, the withdrawal of UNAMIR pursuant to Security Council resolutions 1029 (1995) of 12 December 1995 and 1050 (1996).

3. As the Security Council has been informed orally, negotiations on these matters with the Rwandan Government have proved difficult and I was not in a position to report to the Council by the requested date of 5 April 1996.

II. WITHDRAWAL OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

4. In its resolution 1029 (1995), the Security Council decided to reduce UNAMIR to 1,200 troops and 200 military observers, headquarters and other military support staff. The Council also requested me to initiate planning for the complete withdrawal of UNAMIR, which was to take place within a period of six weeks after the expiry of the mandate on 8 March 1996.

5. Detailed plans for the withdrawal of the UNAMIR military personnel have been drawn up and are being implemented. As of 12 April 1996, a total of 679

personnel, comprising 11 military observers, 648 troops and 20 headquarters staff remained in Rwanda. It is expected that their withdrawal will be completed between 12 and 19 April (see annex).

6. In the same resolution, the Security Council also requested me to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment for use in Rwanda. In a letter dated 13 February 1996, the President of the Security Council urged me, in the light of the unique circumstances and recent history of Rwanda, to employ flexibility, while staying within the bounds of the regulations established by the General Assembly, in resolving the question of the disposition of UNAMIR equipment.

7. On 25 March 1996, I submitted a report to the General Assembly on the disposition of UNAMIR assets (A/50/712/Add.2), in which I indicated that the estimated inventory value of the Mission's assets as of 19 October 1995 amounted to approximately $62.5 million. I also stated in the report that non-lethal assets valued at approximately $9.2 million were earmarked for donation to the Government of Rwanda. In addition, assets considered beyond economic repair or removal, valued at approximately $6.1 million, would be made available to the Government, subject to the concurrence of the General Assembly.

8. The International Tribunal for Rwanda and the Government have reached an agreement on the rental of the Amahoro Hotel, the current UNAMIR headquarters, which is to be taken over by the Tribunal following the departure of UNAMIR. The Tribunal will take over responsibility for the operation and maintenance of the UNAMIR communications system and provide the communications needs of all other United Nations agencies in Rwanda that formerly relied on UNAMIR for this purpose.

III. ESTABLISHMENT OF THE UNITED NATIONS OFFICE IN RWANDA

9. In its resolution 1050 (1996), the Security Council encouraged me, in agreement with the Government of Rwanda, to maintain in Rwanda a United Nations office, to be headed by my Special Representative and to include the present United Nations communications system and radio station, for the purpose of supporting the efforts of the Government of Rwanda to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure, and of coordinating the United Nations efforts to that end.

10. At a meeting with United Nations officials in March 1996, the Permanent Representative of Rwanda to the United Nations said that his Government wanted an early discussion with the Secretariat to "clarify" the mandate of the United Nations office. Although the mandate described in paragraph 4 of resolution 1050 (1996) had already been accepted by the Government, the Secretariat agreed to ask my Special Representative to meet with the Rwandan authorities as soon as possible on the matter. Following consultations held accordingly, my Special Representative informed me that, from the Government's point of view, the formal process of proposing the terms of reference, status and size of the United Nations office needed to be completed. The Government was thus insisting on a formal proposal from the United Nations, to which it would provide an

appropriate response. A draft status of mission agreement has since been prepared for discussion between my Special Representative and the Government.

11. Subject to the agreement of the Government of Rwanda and the availability of funds, the new office will be known as the United Nations Office in Rwanda (UNOR). Taking into consideration its reduced needs and functions, as well as the Organization's financial constraints, I have decided that it should be headed by a Special Representative at the Assistant Secretary-General level and that the United Nations Resident Coordinator in Rwanda will serve as his/her deputy. The Office will include four other international Professional staff: a political adviser/special assistant at P-5 level, a legal affairs officer at P-5/P-4 level, a military advisor at P-4 level and an administrative officer at P-3 level. Its support staff will consist of 10 international and locally recruited General Service staff and 2 security officers.

12. The United Nations radio station, which will be part of UNOR, will be headed by an international staff member at the P-4 level who will also be the Office spokesman and media contact. He/she will be assisted by a deputy head/programme coordinator at the P-3 level, three journalists at the P-2 level and a secretary. The radio station will continue to be assisted by 16 locally recruited journalists and staff members. With the termination of the UNAMIR mandate on 8 March 1996, "Radio UNAMIR" temporarily suspended its broadcasts pending government authorization for the station to continue to broadcast under the new name of "Radio United Nations Rwanda". The Government of Rwanda has indicated that while it has no objection to "Radio United Nations Rwanda" replacing "Radio UNAMIR", formal authorization will be conveyed after finalization of the UNOR mandate.

13. Resource requirements for UNOR will be sought from the General Assembly in due course.

IV. UNITED NATIONS TRUST FUNDS

14. With reference to paragraph 6 of resolution 1050 (1996), relating to the United Nations trust funds for Rwanda, there are currently two such funds. The Secretary-General's Trust Fund for Rwanda was established pursuant to Security Council resolution 925 (1994) in response to the urgent needs that arose out of the crisis in Rwanda and in order to finance humanitarian relief and rehabilitation programmes. The utilization of this Trust Fund is guided by the need for rapid disbursement, maximum flexibility and targeted support for the Government of Rwanda. The specific task of the Trust Fund, which is managed by the Department of Humanitarian Affairs, is to focus on non-traditional assistance such as operational costs and administrative support. By 31 March 1996, the Trust Fund had received $7.3 million, of which some $5 million has been transferred to the United Nations Development Programme (UNDP) for implementation.

15. The second is the UNDP Trust Fund for Rwanda, which was established in March 1995 following a request by the Government of the Netherlands, with the specific purpose of supporting the follow-up efforts to the Rwanda Round Table Conference held at Geneva in January 1995. The UNDP Trust Fund's objective is

to provide the donor community with a financial mechanism to support the rapid implementation of the programme of national reconciliation and socio-economic recovery presented by the Government of Rwanda. Activities financed through the UNDP Trust Fund include rehabilitation, reconstruction, reintegration and resettlement programmes, as well as direct financial support for the Government. The total pledges to the UNDP Trust Fund, as of 31 March 1996, reached $35.5 million, out of which actual contributions totalling $20.6 million have been received.

16. As outlined, the Secretary-General's Trust Fund responds to needs for short-term humanitarian support, whereas the UNDP Trust Fund covers mid-term to long-term developmental needs in Rwanda. At the current juncture, I do not see the need to change the scope and purposes of the trust funds. However, I appeal to Member States to continue to make contributions to them in order to meet the ongoing and urgent humanitarian requirements of Rwanda.

V. SECURITY ARRANGEMENTS FOR THE PERSONNEL AND PREMISES OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

17. In paragraph 2 of resolution 1050 (1996), the Security Council authorized elements of UNAMIR remaining in Rwanda prior to their final withdrawal to contribute, with the agreement of the Government of Rwanda, to the protection of the personnel and premises of the International Tribunal for Rwanda. Accordingly, following consultations, the Malawi infantry company of UNAMIR was retained at Kigali to assist in protecting the Tribunal until 8 April 1996.

18. Long-term measures for the protection of the International Tribunal for Rwanda are also being put in place on the basis that the primary responsibility for the security and protection of the Tribunal, its personnel, premises and investigation teams, rests with the Government of Rwanda.

19. Pursuant to discussions between the Vice-President of Rwanda, Major-General Paul Kagame, and officials of the International Tribunal for Rwanda, an understanding has been reached on the concept of security proposed by the United Nations Security Coordinator in November 1995. Accordingly, United Nations security officers will be responsible for security within the Tribunal's premises and for accompanying investigation teams. The original United Nations proposal was that the security of the premises be augmented by a local company contracted to provide guard service. However, Vice-President Kagame was unable to accept this; instead, he offered to make available Rwandan gendarmes whom the Tribunal would recruit on an individual basis. This proposal is presently under review in the light of the general responsibilities of the Government of Rwanda for the security and protection of the Tribunal and its staff.

20. In accordance with the above understanding, United Nations security officers would be authorized to bring the required arms and ammunition into Rwanda and to import other security equipment such as ballistic vests, binoculars and training ammunition necessary for their work. The Government of Rwanda has also appointed a senior-level liaison officer to discuss the implementation of these security arrangements with the International Tribunal for Rwanda, and consultations with him have already begun. In addition, the

Government has agreed to provide a rapid reaction force to assist the Tribunal in the event of an emergency beyond the capacity of the Tribunal's security to resolve and has pledged the assistance of local authorities in providing security for the Tribunal's investigation teams.

21. It is expected that, following further discussions with the Government of Rwanda on the practical modalities of the security arrangements, a written agreement will be reached, probably on the basis of an exchange of letters between the International Tribunal for Rwanda and the Government.

22. In the meantime, the recruitment of a Chief Security Officer and security officers has gone forward, and the Chief Security Officer visited Kigali on 16 March 1996. A proposal calling for the recruitment of a Deputy Chief Security Officer at the Professional level, 18 international United Nations security officers and a locally contracted guard force, as originally recommended to meet the Tribunal's basic security requirements, is now being considered by the appropriate legislative bodies. The recruitment of the international personnel is under way and 12 security officers are now in place.

VI. HUMAN RIGHTS

23. In paragraph 7 of its resolution 1050 (1996), the Security Council called upon States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and encouraged me to consider what steps might be taken to place the Operation on a more secure financial basis. The United Nations High Commissioner for Human Rights has advised me that, in the absence of sufficient financial resources, it has not been possible to maintain the required number of staff. He considers that 120 human rights field officers constitute the minimum presence necessary for a professionally sound human rights operation in Rwanda. However, by mid-March the number of staff on the ground had been reduced from 120 to 95, of whom only 78 were human rights monitors.

24. As the High Commissioner has reiterated on numerous occasions, the lack of secure and predictable sources of funding continues to create serious impediments to the coherent planning and stable functioning of the Human Rights Field Operation in Rwanda. In particular, the ongoing work of the Operation with the Government of Rwanda at all levels, as well as the Operation's administrative and logistical planning, remain hampered by the fact that voluntary contributions, for which the High Commissioner is very grateful, are decreasing. The estimated operating cost of the Operation from 1 April 1996 to the end of the year amounts to $8.5 million.

25. The presence of human rights monitors in the field is crucial, especially at a time when the refugees are being encouraged to return and when the Rwandan justice system is not yet functioning adequately. To ensure the smooth running of the Human Rights Field Operation in Rwanda after the withdrawal of UNAMIR, it is essential that the Government of Rwanda continue to cooperate and provide information and adequate security to the field teams.

26. The Government of Rwanda has consistently supported the presence of the Human Rights Field Operation in Rwanda and expressed the wish that the Operation

be maintained after the departure of UNAMIR. In the Declaration adopted at the Tunis summit of the heads of State of the Great Lakes region on 18 March 1996, it was reaffirmed that Rwanda would welcome the deployment of an expanded number of human rights monitors throughout the country and was prepared to permit the number to rise to 300. The Declaration also stressed, however, that the necessary resources should be made available.

VII. OBSERVATIONS

27. As I stated in my previous report on UNAMIR on 29 February 1996, I remain convinced that, in spite of the withdrawal of the Mission, a number of outstanding issues still need to be addressed in Rwanda with the support of the international community. It is my belief that the Office proposed in the present report will serve that function effectively.

28. I had hoped to be able to report to the Security Council that agreement had been reached with the Government of Rwanda on the establishment of UNOR and that there could therefore be a smooth transition from UNAMIR to the new Office when the former's funding expires on 19 April 1996. Unfortunately, this is not the case. In spite of intensive efforts by my Special Representative, it has not yet been possible to confirm the Government's acceptance of the mandate described in paragraph 4 of resolution 1050 (1996), on which the Government is still seeking "clarifications". Nor has the Government yet confirmed its agreement that the United Nations should continue to operate a radio station in Rwanda. On the other hand, agreement has now been reached on the new rent to be paid, mainly by the International Tribunal for Rwanda, for the premises previously occupied by UNAMIR which are to be taken over by the Tribunal and UNOR. But it appears unlikely that the other outstanding issues can be resolved by the time my Special Representative leaves Rwanda on 19 April. I am therefore sending the Under-Secretary-General for Political Affairs on an urgent mission to Kigali to carry the negotiations forward after my Special Representative's departure. I will report to the Security Council on the outcome as soon as possible.

29. The establishment of UNOR will not only require the formal approval of the Government of Rwanda. Like the continuation of the Human Rights Field Operation in Rwanda, it will also be possible only if Member States are prepared to ensure that the necessary financial resources are made available. In this connection, I believe it would be useful if the Security Council formally stated its approval for the establishment of an office along the lines I have proposed.

30. As called for in paragraph 3 of resolution 1050 (1996), I trust that the Government of Rwanda will take the necessary measures to ensure that UNAMIR personnel and equipment can be withdrawn without impediment in an orderly and safe manner.

31. As the departure date of the last UNAMIR elements approaches, I wish to reiterate my warm appreciation to my Special Representative, Mr. Shaharyar Khan, and to all his dedicated staff who have carried out their task so ably under sometimes trying conditions.

Annex

Composition of the military component of the United Nations Assistance Mission for Rwanda as at 12 April 1996

Country	Military personnel			Total
	Troops	Staff	Observers	
Austria	-	-	1	1
Ghana	-	6	2	8
India	555	6	3	564
Malawi	83	-	-	83
Nigeria	-	2	3	5
Senegal	-	1	1	2
Zambia	10	5	1	16
Total	648	20	11	679